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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Courtney Connor,

10 Plaintiff,

11 v.

12 Arizona State University and Arizona Board
13 of Regents,

14 Defendants.

No. CV-22-00006-PHX-JAT

ORDER

15 On the day service was due in this case under Federal Rule of Civil Procedure 4(m),
16 Plaintiff moved for an extension of time to serve. (Service was due April 3, 2022, which
17 fell on a Sunday, and therefore service was due by April 4, 2022). When a motion for
18 extension of time to serve is made before the deadline to serve expires, the Court must
19 extend the time to serve if Plaintiff shows good cause. Fed. R. Civ. P. 4(m).

20 For the Court to find good cause, Plaintiff must show: “1) excusable neglect; 2) the
21 party to be served received actual notice of the suit; 3) the party to be served would suffer
22 no prejudice; and 4) Plaintiff[] would suffer severe prejudice if the complaint were
23 dismissed.” *Trueman v. Johnson*, 2011 WL 6721327, *3 (D. Ariz. December 21, 2011)
24 (citing *Lemoge v. United States*, 587 F.3d 1188, 1198 (9th Cir. 2009)). In this case, Plaintiff
25 applied none of these factors, and made no showing of cause, much less good cause. The
26 totality of Plaintiff’s motion states that Plaintiff will retain a process server in the future
27 and believes Plaintiff can complete service within the next 30 days. Plaintiff further claims
28 that the motion is not made for the purpose of delay.

1 The Court cannot and does not find good cause on this record. Plaintiff has made
2 no argument why she could not locate and serve Arizona State University and the Arizona
3 Board of Regents in the 90 days provided under Rule 4(m); thus, Plaintiff has failed to
4 show excusable neglect. Further Plaintiff has failed to argue that Defendants had notice of
5 this suit, would suffer no prejudice, or that Plaintiff would be prejudiced. Nonetheless, to
6 minimize any prejudice to Plaintiff, the Court will dismiss this case without prejudice.

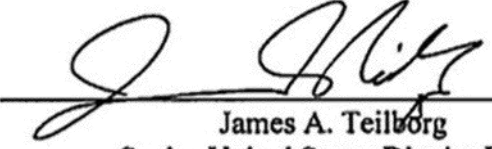
7 Based on the foregoing,

8 **IT IS ORDERED** that the motion for extension of time to serve (Doc. 7) is denied.

9 **IT IS FURTHER ORDERED** that this case is dismissed, without prejudice, for
10 failure to serve within the time limits of Federal Rule of Civil Procedure 4(m) and the Clerk
11 of the Court shall enter judgment accordingly.

12 Dated this 4th day of April, 2022.

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James A. Teilborg
Senior United States District Judge